

STATE OF CALIFORNIA
SECRETARY OF STATE
1500 11TH STREET, 6TH FLOOR
SACRAMENTO, CA 95814

TITLE 2. ADMINISTRATION
DIVISION 7. SECRETARY OF STATE
**ADOPT CHAPTER 15. TRUSTWORTHY ELECTRONIC DOCUMENT OR
RECORD PRESERVATION, SECTIONS 23010 THROUGH 23080**

TEXT

Text proposed to be added for the 45-day comment period is displayed in underline type.
Text proposed to be added for the 15-day comment period is displayed in *italicized*
underline type.

Text proposed to be deleted for the 15-day comment period that was proposed during 45-day comment period is displayed in ~~double-strikeout of underline~~ type.

Minor correction since the 15-day comment period is noted with *italicized* type.

Section 23010. Purpose.

The purpose of this chapter is to identify the uniform statewide standards adopted by the Secretary of State, in consultation with the Department of General Services, to use in recording, storing, and reproducing permanent and nonpermanent documents or records in electronic media. These regulations list minimum standards or guidelines recommended by the American National Standards Institute (ANSI) or the Association for Information and Image Management (AIIM), ~~which in some cases are adopted by the International Organization for Standardization (ISO)~~, and provide specific conditions that would meet the definition of trusted system, as provided in Government Code section 12168.7.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 23020. Applicability of Electronic Document or Record Standards

- (a) The provisions of this chapter shall apply to all electronic documents or records created or stored as the official record six months after the effective date of these regulations.
- (b) The provisions of this chapter shall apply where the intent is to destroy the original hardcopy and to maintain an electronic version as the official record.
- (c) The provisions of this chapter shall also apply to electronically originated documents or records that are maintained as official documents or records.
- (d) Due to the diverse and frequently amended standards developed by organizations such as ANSI, or AIIM, ~~or ISO~~, the lack of adoption of a particular standard in this chapter does not preclude the use of other standards so long as they meet or exceed the recommendations of ANSI or AIIM, ~~ANSI, or ISO~~ as applicable.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 23030. Definitions.

As used in this chapter, the following words have the following definitions:

- (a) “AIIM” means the Association for Information and Image Management.
- (b) “ANSI” means the American National Standards Institute.
- (c) “Electronically originated documents or records” includes any document or record created without first having originated in hard copy format. It includes all documents or records generated through electronic submissions.
- (d) “ISO” means the International Organization for Standardization.
- (e) “PDF/A” means Portable Document Format/Archive, which is an electronic file format whereby documents are self-contained allowing them to be reproduced with all of the document coding embedded within the file.
- (f) *“CGATS” means Committee for Graphic Arts Technologies Standards administered by NPES, the Association for Suppliers of Printing, Publishing, and Converting Technologies.*
- (g) *Trusted System is defined in section 5.3.3 Trusted system and legal considerations of “AIIM ARP 1 – 2009 Analysis, Selection, and Implementation of Electronic Document Management Systems,” approved June 5, 2009, which is incorporated by reference in this section.*
- (h) *“Official documents” or “official records” are those defined as such in applicable statutes and in business practices of the entity responsible for retaining said documents or records. In the absence of applicable statutes, official records or documents are those defined in the entity’s business practices.*

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 23040. Official Document or Record Storage Using Electronic Technologies.

To ensure that all electronic versions of official documents or records (including documents or records converted from hard copy or electronically originated documents or records) are stored and managed in a trusted system as required in Government Code section 12168.7(c), electronic content management systems adopted six months after the adoption of these regulations shall be designed and implemented in accordance with section 6.2 Recommended Project Steps and Activities of following appropriate procedures identified in “AIIM ARP 1 – 2009 Analysis, Selection, and Implementation of Electronic Document Management Systems,” approved June 5, 2009, which is incorporated by reference in this section.

All existing electronic content management systems in place prior to six months after the adoption of these regulations should be evaluated to the greatest extent technologically and procedurally possible, and as soon as practicable secure all necessary local and/or state approvals to meet the intent of Government Code section 12168.7 that electronic documents or records be stored in a trusted system as defined in these regulations.

The published ~~version~~storage of the AIIM recommended practice may be downloaded directly from AIIM at www.aiim.org/standards, or from the Secretary of State at www.sos.ca.gov/archives/local-gov-program.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 23050. Business Practice Documentation.

To ensure that appropriate policies and procedures associated with the creation, management, and storage of electronic documents or records are prepared by the organization, a document management policy shall be prepared prior to system implementation and updated at regular intervals in accordance with ~~ISO 15801 “Electronic imaging – Information stored electronically – Recommendations for trustworthiness and reliability,”~~ and as defined in Section 6.17 Business Practices Documentation within of “AIIM ARP 1 – 2009 Analysis, Selection, and Implementation of Electronic Document Management Systems,” approved June 5, 2009, both of which ~~is~~ are incorporated by reference in this section.

~~The published storage of ISO 15801 may be downloaded from ISO at www.iso.org/iso~~

The published ~~version~~storage of the AIIM recommended practice may be downloaded directly from AIIM at www.aiim.org/standards, or from the Secretary of State at www.sos.ca.gov/archives/local-gov-program.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 23060. Electronic File Compression.

When the organization determines that electronic documents or records are to be compressed and to ensure that electronic documents or records can be accessed after being converted from hard copy format, only those compression technologies identified in section 5.4.2.4. Document image compression of “AIIM ARP1 – 2009 Analysis, Selection, and Implementation of Electronic Document Management Systems,” approved June 5, 2009, ISO 12033 “Electronic imaging – Guidance for selection of document image compression methods,” which is incorporated by reference in this section, shall be used.

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Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 23070. Trusted Storage of Official Electronic Documents or Records.

To ensure that every official electronic document or record is considered to be a true and accurate copy of the original information received and before the original copy may be destroyed, at least two (2) separate copies of the official document or record must be created on electronic media meeting all the conditions of a trusted system as identified in ISO 15801 “Electronic imaging – Information stored electronically – Recommendations for trustworthiness and reliability,” which is incorporated by reference in this section.

~~The published storage of ISO 15801 may be downloaded from ISO at www.iso.org.~~

~~In addition, for the purposes of this chapter, the term trusted system as used in Government Code section 12168.7(c), at a minimum, must meet all the conditions as defined in Ssection 5.3.3 Trusted Ssystem and Llegal considerations within of “AIIM ARP 1 – 2009 Analysis, Selection, and Implementation of Electronic Document Management Systems,” approved June 5, 2009, which is incorporated by reference in this section.~~

The published ~~version~~storage of the AIIM recommended practice may be downloaded directly from AIIM at www.aiim.org/standards, or from the Secretary of State at www.sos.ca.gov/archives/local-gov-program.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 23080. Electronic File Format for Preservation of Converted Official Documents or Records

To ensure long term accessibility of documents or records converted from hard copy format into electronic format, the storing and recording of permanent and nonpermanent documents or records shall be maintained in a trusted system as defined in Section 23070, Trusted Storage of Official Electronic Documents or Records, using standards adopted or developed by ANSI or AIIM and as identified in section 5.4.1.4 Image formats of "AIIM ARPI – 2009 Analysis, Selection, and Implementation of Electronic Document Management Systems," approved June 5, 2009, which is incorporated by reference in this section. If PDF/A is chosen as the file format for long-term storage, the adopted standard that should be followed is ANSI/AIIM/CGATS/ISO 19005-1:2005, ~~PDF/A format in accordance with ISO 19005~~ "Document Management – Electronic Document File Format for Long-Term Preservation – Part 1: Use of PDF 1.4 (PDF/A-1)," which is incorporated by reference in this section.

The published version ~~storage~~ of the AIIM recommended practice may be downloaded directly from AIIM at www.aiim.org/standards or from the Secretary of State at www.sos.ca.gov/archives/local-gov-program. The published version of ANSI/AIIM/CGATS/ISO 19005-1:2005 may be purchased from AIIM at www.aiim.org/standards ~~of ISO 19005 may be downloaded from ISO at www.iso.org~~.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.